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240 COUNTY ROAD  
IPSWICH, MA 01938-2723

In re Application of

Xu, et al.

Application No. 09/786,009

Filed: April 17, 2001

Attorney Docket No. NEB-150PUS

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**OFFICE OF PETITIONS**

: DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment filed November 21, 2005.

The petition is **GRANTED**.

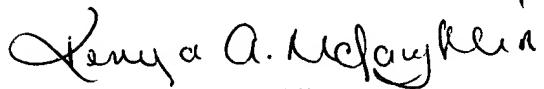
A review of the application file reveals that the application was held abandoned for a failure to respond to a "Notice Regarding Drawings" mailed March 28, 2005. The notice allowed a non-extendable period for reply of two-months from its mailing date. No response to this notice was believed to have been received within the allowable period, and the application was held abandoned on May 29, 2005. It is noted, however, that the "Notice Regarding Drawings" mailed March 28, 2005, was improperly attributed to the subject application file. In fact, the "Notice Regarding Drawings" mailed March 28, 2005, indicated that it was for application 09/178,009 filed October 23, 1998 with "Paul Sheppard" as the first named inventor. It is further noted that application 09/178,009 is in no way connected to the subject application. It is, therefore, concluded that the abandonment of the subject application was improper as the abandonment was predicated on a notice that was improperly attributed to the subject application.

It is noted that a "Notice Regarding Drawings" was properly attributable to the subject application was mailed on August 3, 2005, and allowed a period for response of two months from its mailing date. A response to this notice was received on September 15, 2005.

Based on the aforementioned, the holding of abandonment imposed on the subject application is **withdrawn**. The petition fee of \$400.00 will be refunded, in due course.

Notification was sent to the appropriate office to remove the "Notice Regarding Drawings" mailed March 28, 2005, from the subject application file.

The application file is being forwarded to the Office of Patent Publication for further processing.



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Petitions Attorney  
Office of Petitions